



Plaintiffs heavily rely on the opinion issued by the Supreme Court of Missouri in *Brewer v. Missouri Title Loans, Inc.* to support their argument that the class-waiver provision contained in their arbitration agreements makes those agreements unconscionable. See Pls.' Sugg. in Opp'n at 4-5. As Defendant explained in its previous supplemental suggestions, that argument is preempted by the United States Supreme Court's decision in *AT&T Mobility LLC v. Concepcion*, 563 U.S. \_\_\_\_ (2011).

If there was any doubt as to this, the United States Supreme Court removed it on May 2, 2011, when the Court granted certiorari in *Brewer*, vacated the judgment, and remanded the case back to the Supreme Court of Missouri for further proceedings in light of *Concepcion*. *Missouri Title Loans, Inc. v. Brewer*, Case No. 10-1027 (2011), a copy of the United States Supreme Court Order List is attached hereto as Ex. A. Simply put, *Brewer* is no longer good law and cannot support Plaintiffs' position. For this and the other reasons set forth in Defendant's earlier suggestions, the Court should grant Defendant's motion to compel arbitration and dismiss this case.

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing instrument was forwarded this 3<sup>rd</sup> day of May, 2011, via ECF to:

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